

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF OHIO

MICHAEL MILLER EL,)	CASE NO. 1:05 CV 2889
)	
Petitioner,)	JUDGE CHRISTOPHER A. BOYKO
)	
v.)	
)	<u>MEMORANDUM OF OPINION</u>
TIMOTHY MCMONAGLE, Judge,)	<u>AND ORDER</u>
)	
Respondent.)	

CHRISTOPHER A. BOYKO, J.:

On December 15, 2005, petitioner pro se Michael Miller EL, an inmate at the Cuyahoga County Jail, filed this petition for mandamus. The petition seeks an order requiring Ohio Court of Common Pleas Judge Timothy McMonagle to allow Miller EL to represent himself in a pending Ohio criminal case. For the reasons stated below, this action is dismissed.

As a threshold matter, this court may not issue a writ of mandamus to direct state courts or their judicial officers in the performance of their duties. Haggard v. State of Tennessee, 421 F.2d 1384 (6th Cir. 1970). Further, mandamus is a drastic remedy to be applied only in extraordinary situations. Kerr v. United States District Court for the Northern District of

California, 426 U.S. 394 (1976). A party seeking mandamus has the burden of showing no other adequate means of relief are available. Allied Chemical Corp. v. Daiflon, Inc., 449 U.S. 33 (1980). Even liberally construed, the complaint does not set forth allegations which might justify issuance of a writ of mandamus in the instant case.

Accordingly, this action is dismissed pursuant to 28 U.S.C. § 1915A. Further, the court certifies, pursuant to 28 U.S.C. § 1915(a)(3), that an appeal from this decision could not be taken in good faith.

IT IS SO ORDERED.

DATE: __January 19, 2006__

/s/ Christopher A. Boyko
CHRISTOPHER A. BOYKO
UNITED STATES DISTRICT JUDGE